

Staff Summary Report



Hearing Officer Hearing Date: May 20, 2008

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **TALIANI RESIDENCE (PL080121)** located at 1101 East Warner Road, Estate 151, for two (2) use permits.

DOCUMENT NAME: 20080520dssd04

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **TAHILIANI RESIDENCE (PL080121)** (Matt Price/SW Commercial Services Inc., applicant; Harry Tahiliani, property owner) located at 1101 East Warner Road, Estate 151, in the R1-15, Single Family Residential and AG, Agricultural Districts for:

ZUP08056 Use permit to allow an accessory building (ramada).

ZUP08065 Use permit to allow an accessory structure (batting cage).

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

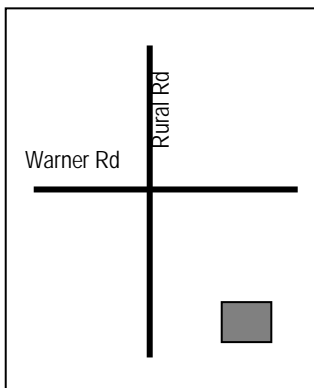
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-3

ADDITIONAL INFO: The Tahiliani Residence is requesting two (2) use permits for the construction of a ramada and a shade structure over a batting cage. The two (2) accessory buildings will be located on the 2 acre parcel to the south of the residence. The applicant purchased the two (2) acre parcel to expand the existing backyard. Staff supports the requests in that they that the meet the criteria for approval of a use permit. To date, no public input has been received.



PAGES:

1. List of Attachments
2. Comments
3. Reasons for Approval; Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Ramada Plan
6. Shade Structure Plan
7. Subdivision Plat
- 8-10. Staff Photograph(s)

COMMENTS:

The Tahiliani Residence is requesting two (2) use permits for the construction of a ramada and a shade structure over a batting cage. They will be located on the two acre parcel to the south of the residence. The applicant purchased the two (2) acre parcel to expand the existing backyard. The ramada will be an estimated 700 s.f. in area and 14 feet in height and will be located to the west of the proposed swimming pool. The accessory shade structure over the batting cage requires a use permit because it exceeds eight (8) feet in height and 200 s.f. in area. The proposed shade structure will be ten (10) feet in height and an estimated 240 s.f. in area and will be located west of the ramada.

The applicant has also submitted a Subdivision Plat to combine the two (2) parcels into one defined property. Due to the accessory building and structure located on an adjacent parcel, the applicant was required to combine the primary use (residence) to the accessory uses. The plat will need to be approved and recorded prior to Building Permits being Finaled.

Staff supports the requests in that they meet the criteria for approval of a use permit. To date, no public input has been received.

Use Permit

The Zoning and Development Code requires a use permit for an accessory building and an accessory structure over eight (8) feet in height and 200 s.f. in area in the Single-Family, R1-15 and Agricultural, AG zoning districts.

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - The uses, with conditions, should not create nuisances within the residential area. The lot is located within a residential subdivision.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed accessory building would not contribute to neighborhood deterioration or downgrade property values. The requested use permits will allow the applicant to create open space that can be enjoyed by the Tahiliani family.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed accessory building use appears to be compatible with surrounding uses. The requested use permit will not be detrimental to the surrounding area.

Conclusion

Staff recommends approval of the use permits, subject to conditions.

**REASON(S) FOR
APPROVAL:**

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. The use appears to be compatible with the site and adjacent properties.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE
FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)
OF APPROVAL:**

1. Obtain all necessary clearances and permits from the Building Safety Division.
2. A subdivision plat will need to be approved and recorded before Building Permits are Finaled.
3. The Accessory structure (Shade Canopy) shall be located a minimum of twenty-five (25) feet from the west property line. The Agricultural (AG) zoning district requires a twenty-five (25) foot street side yard setback.

HISTORY & FACTS:

January 18, 1994 BP930729: Construction of Single Family Residence.

April 18, 2008 SBD08012: Subdivision Plat submitted to combine two (2) lots into one (1)

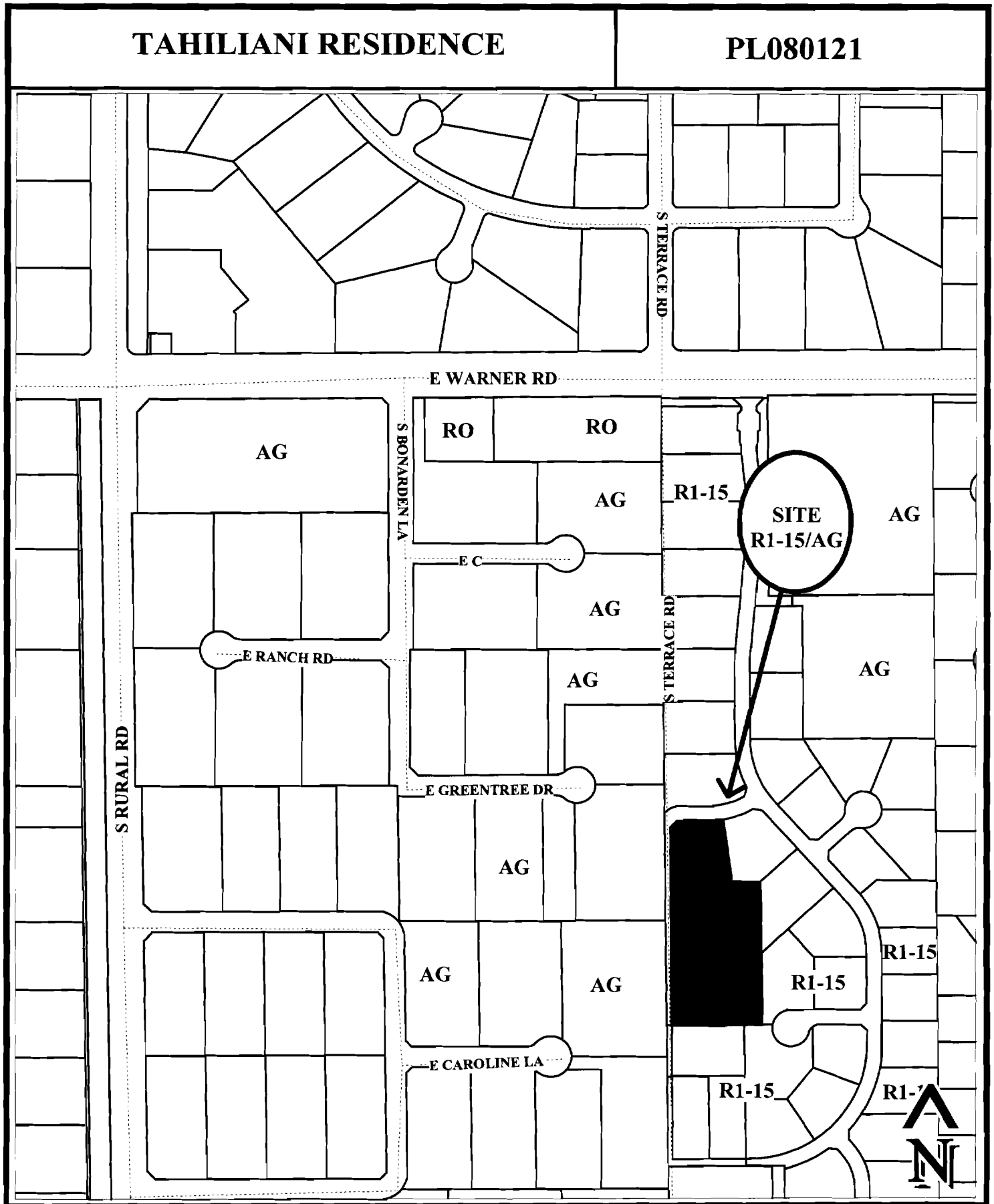
DESCRIPTION:

Owner – Harry Tahiliani
Applicant – Matt Price/SW Commercial Services Inc.
Existing Zoning – R1-15, Single Family Residential & AG, Agricultural Districts
Lot Size – 96,158 s.f. / 2.20 acres
Existing Residence Area – 3,733 s.f.
New Ramada Area – 700 s.f.
New Shade Structure over Batting Cage – 240 s.f
Allowed Lot Coverage, AG – 25 %
Proposed Lot Coverage – 4 %

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 3, Section 3-401: Accessory Buildings, Uses, and Structures.

Part 6, Chapter 3, Section 6-308: Use Permit

TAHILIANI RESIDENCE
PL080121

Location Map



TAHILIANI RESIDENCE (PL080121)



City of Tempe
Development Services
31 East 5th Street
Tempe, AZ 85280

Letter of Explanation

To whom it may concern:

This letter of explanation describes the use of the accessory structures on the property located at ~~9075 S. Terrace, Tempe, Arizona~~ and how it will affect the surrounding area.

1101 E. Warner Rd Estate 151 Mike

The application for special use permit is for a hexagon-shaped ramada and a shade structure to cover a batting cage. Both of these structures will be used for the personal recreation of the homeowner and his family. As such, there will be no increase in vehicular or pedestrian traffic in adjacent areas nor will it cause any nuisance exceeding that of ambient conditions.

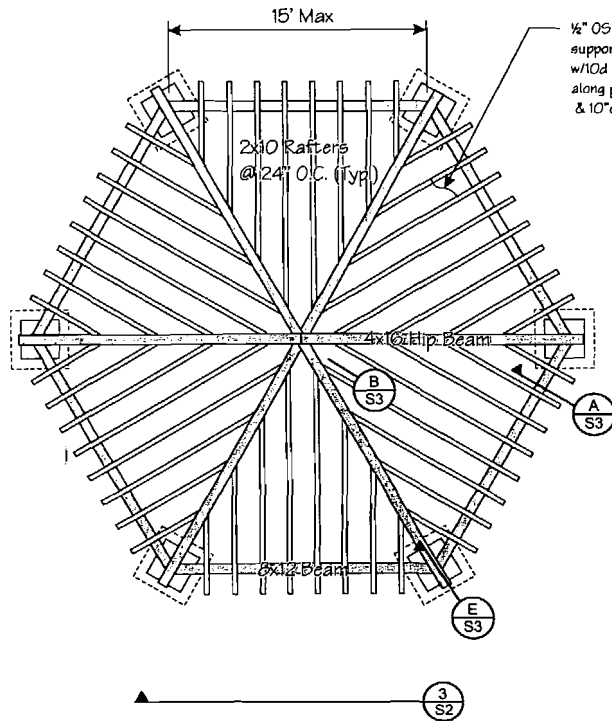
The structures themselves have been designed to maintain the objectives of the City and neighborhood. All construction will be in harmony with existing surrounding structures.

This is a private backyard, designed solely for the use of the homeowner, his family, and personal invited friends or guests. It is not intended, in any way, to create a nuisance or disruptive behavior for the surrounding area or general public.

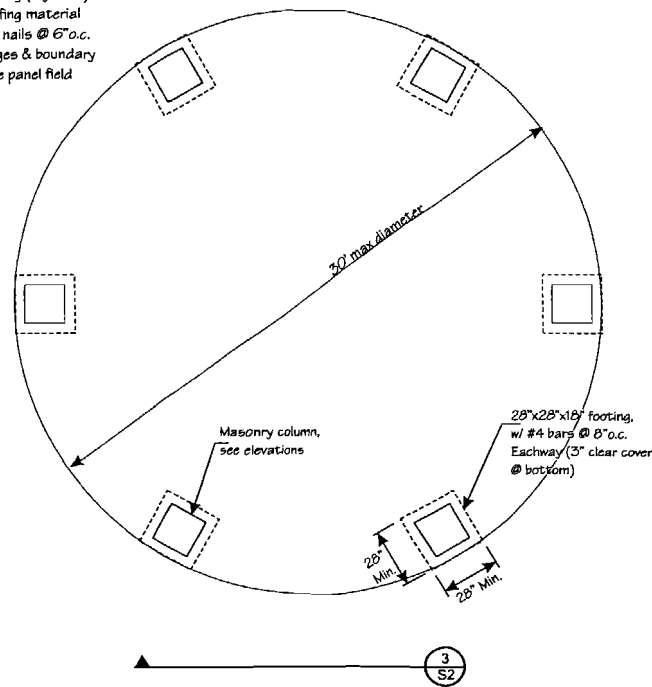
Regards,

Travis Breinholt
President

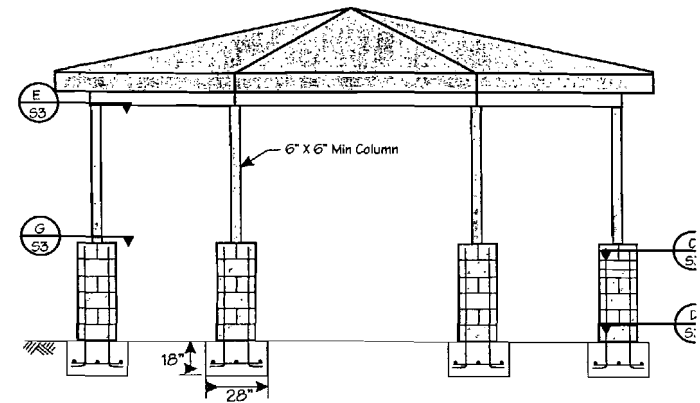




Roof Framing Plan 1
S2
(Scale: 7/8" = 1'-0")



Footing Plan 2
S2
(Scale: 7/8" = 1'-0")



Elevation 3
S2
(Not to Scale)

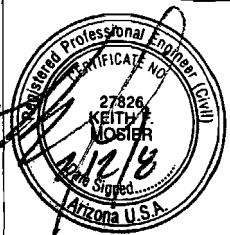
Tahliani Residence Gazebo
9109 Terrace Road
Tempe, AZ

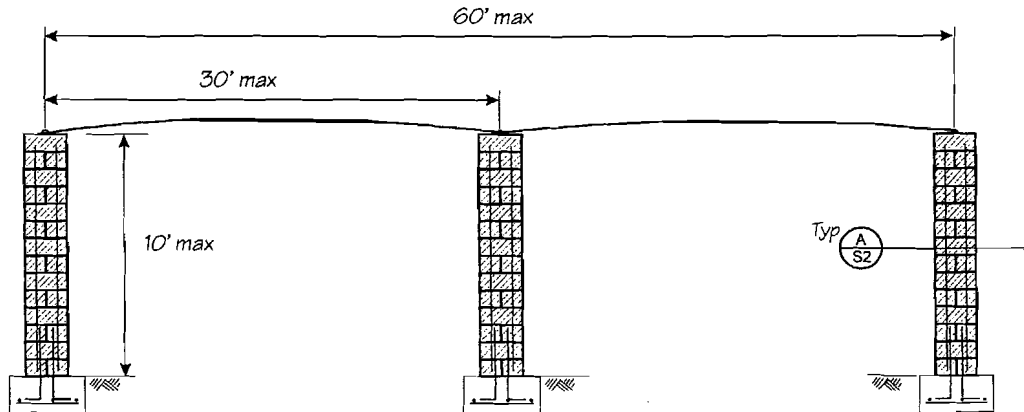
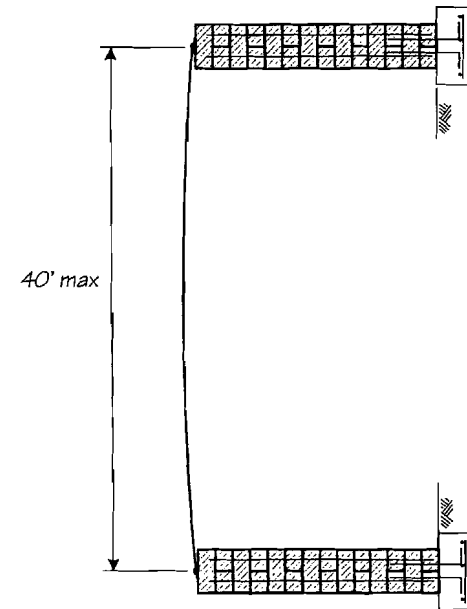
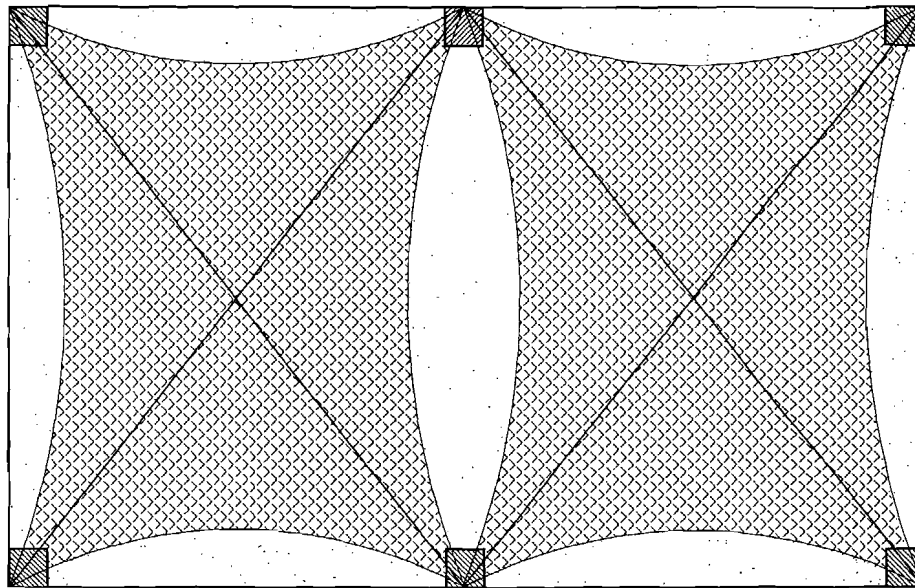
Sheet 2
FOOTING &
FOUNDATION PLANS

AMMTEC CONSULTING, INC.

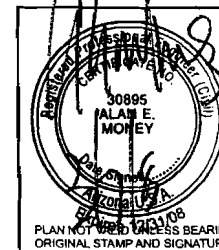
2447 West 12th Street, Ste #1
Tempe, Arizona 85281
Phone: 480 927-9696
Fax: 480 927-9797
E-Mail: ammtac@ammtac.com

Prepared By: AEM
Reviewed By: KFM
Date: 02/12/08
Revision: N/A





1/8" = 1' Scale



Tahlilani Residence
2306 N. 61st Drive
Southwest Commercial

AMMTEC
CONSULTING, INC.
2447 West 12th Street Suite 1, Tempe, Az. 85281
Office: 460 927-9696 Fax: 460 927-9797

Sheet 1
Sail Shade
Structure
Layout

DESIGNED BY: KFM
REVIEWED BY: AEM
DATE: 02/28/2008



TAHILIANI RESIDENCE

1101 EAST WARNER ROAD, ESTATE 151

PL080121

VIEW TO EAST



TAHILIANI RESIDENCE

1101 EAST WARNER ROAD, ESTATE 151

PL080121

VIEW TO SOUTHEAST



TAHILIANI RESIDENCE

1101 EAST WARNER ROAD, ESTATE 151

PL080121

VIEW TO NORTHEAST